

ENTERED

February 13, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

STEVEN TYLER TRACY,

Plaintiff,

v.

NFN BREADSLEY, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00298

ORDER ADOPTING MEMORANDUM & RECOMMENDATION


Before the Court is Magistrate Judge Mitchel Neurock's Memorandum and Recommendation ("M&R"). (D.E. 11). The M&R recommends that the Court dismiss Plaintiff's case without prejudice pursuant to Federal Rule of Civil Procedure 41(b). *Id.* at 2

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Badaiki v. Schlumberger Holdings Corp.*, 512 F. Supp. 3d 741, 743–44 (S.D. Tex. 2021) (Eskridge, J.).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 11). Accordingly, all claims in this action are **DISMISSED without prejudice** for want of

prosecution. (D.E. 3); *see* FED. R. CIV. P. 41(b).¹ A final judgment will be entered separately.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
February 13th, 2024

¹ The Court notes that Plaintiff may not have intended to bring this action at this time. *See* (D.E. 12, p. 1). Plaintiff's case is being dismissed *without prejudice*. As such, Plaintiff may bring his claims at a later date if he chooses to do so.